



PTO/SB/61 (07-05)

Approved for use through 07/31/2006. CMB 0651-0031

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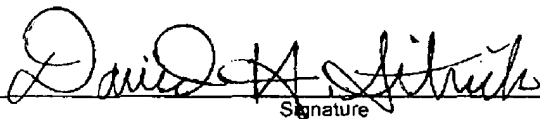
**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

January 17, 2006  
Date

David H. Sitrick

Typed or printed name

29,349

Registration Number, if applicable

8340 N. Lincoln Ave., Ste. 201

Address

847-677-4411

Telephone Number

Skokie, IL 60077

Address

- Enclosure ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☒ Previously Submitted: COMMUNICATION AND REQUEST FOR RECONSIDERATION AND AMENDMENT B

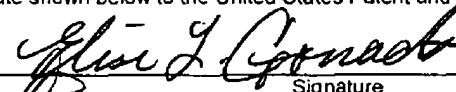
**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

17 JAN 2006  
Date

  
Signature

Elise L. Corrado

Typed or printed name of person signing certificate

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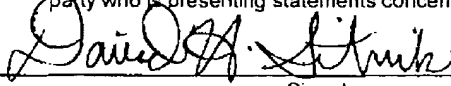
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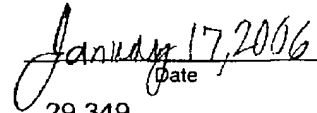
NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

David H. Sitrick

Typed or printed name



Date

29,349

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

On August 17, 2004, Attorney for Applicants, David H. Sitrick, contacted Supervisory Patent Examiner Hassan Kizou via telephone regarding the Advisory Action--Date Mailed: August 9, 2004, Paper No. 12, for serial no. 09/535,831. (Examiners Levitan and Kizou had been contacted repeatedly by Attorney for Applicants throughout the prosecution of the present application, in order to resolve issues of inventorship and objections raised by Examiners--as referenced by the attached copy of the previously submitted, timely filed COMMUNICATION AND REQUEST FOR RECONSIDERATION AND AMENDMENT B.)

Examiner Kizou stated that the Petition for Correcting Inventorship for the parent (serial no. 09/120,636--issued US patent no. 6,272,131) of the present application had not yet been processed, and its result was not known at that time. The Examiner said there is nothing they could do, because Applicants are correcting inventorship in the case of an issued Patent, and it went to the Petition Division. Therefore, the Examiner stated that he was unable to do anything since it is another Division of the Patent Office which had not responded. Thus, the issue concerning inventorship was not resolved for approximately 1.5 years after said Petition had been filed. Applicants were not able to file a Request for Continued Examination, because the application would be finally rejected again, since the Petition for Correcting Inventorship had not yet been processed and granted. The Examiners did not suspend prosecution of the pending application while they were waiting for the Petition to be approved. This resulted in unavoidable abandonment of the the present application.

Applicants' Attorney and Paralegal have been in contact with the USPTO on numerous occasions; speaking with Examiners Pizarro, Kizou, Levitan and the Office of Petitions since the aforementioned Petition was transmitted, in order to correct inventorship and promote the prosecution of the above-referenced, present patent application.

(Please attach additional sheets if additional space is needed.)

[Page 3 of 4]

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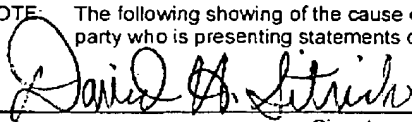
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Signature

January 17, 2006  
Date

David H. Sitrick

Typed or printed name

29,349

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Applicants' Attorney and Applicants' Paralegal, Elise Corrado, spoke with Examiner Levitan on December 9, 2005, December 12, 2005 regarding the status of the afore-mentioned petition and status of the present Application.

Applicants' Attorney spoke with Examiner Pizarro on December 12, 2005 regarding the status of the afore-mentioned petition, and Examiner Pizarro requested that it be re-submitted.

Examiner Kizou spoke with Applicants' Paralegal on December 16, 2005 regarding the status of the afore-mentioned Petition, and stated that he would examine the petition, and if all was in order, he would grant it.

The Petition was finally granted on December 30, 2005 and received, January 9, 2006, by Applicants' Attorney, and a copy of the decision is herewith submitted for Examiners' review.

On January 12, 2006, Examiner Kizou advised Applicants' Attorney to file this Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(A) for the present application.

Applicants respectfully request that the present application be revived as it was unavoidably abandoned. Additionally, Applicants respectfully submit that the prosecution of the present application has been delayed through no fault of their own or of their representatives and request a withdrawal of the Final Rejection; Reconsideration of the present application--resulting in a Notice of Allowance or Allowability of the application, including all pending claims; and refund of the fee associated with this Petition.

The Office is invited to communicate directly with the Attorney for Applicants via phone as would be of assistance to expediting prosecution of this matter.

(Please attach additional sheets if additional space is needed.)

[Page 4 of 4]